

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CRISTIAN RAMOS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:19-cv-00153-SMY
)	
FEDERICO FERNANDEZ, et al.,)	
)	
Defendants.)	

ORDER

YANDLE, District Judge:

This matter is before the Court on Plaintiff's Motions for Subpoena (Docs. 88, 89). Federal Rule of Civil Procedure 45 requires that subpoenas, and the required fees, be personally served upon the witness. For witnesses who are not incarcerated, Plaintiff is responsible for requesting subpoenas from the Court and paying the witness fees. *See McNeil v. Lowney*, 831 F. 2d 1368, 1373 (7th Cir. 1987); *Armstead v. MacMillan*, 58 F. App'x 210, 213 (7th Cir. 2003); 28 U.S.C. § 1821(b). The witness fee for each witness is \$40.00 per day, and witnesses are also paid mileage of \$.585 per mile. *See* 28 U.S.C. § 1821(b). The Court will not issue subpoenas until the witness and mileage fees are produced. These fees do not apply to an inmate witness, whose appearance will be secured by the Court, provided the witness can be identified and located within the penal system, and the Court finds the witness's testimony relevant. *See* 28 U.S.C. § 1821(f).

Plaintiff seeks subpoenas for Alisa Dearmond LPN, c/o Menard Correctional Center, and Jermaine Perkins, Y22072, Pinckneyville Correctional Center. Dearmond was not included as a witness in Plaintiff's Rule 26(a)(3) disclosures (Doc. 76) or in the Final Pretrial Order submitted by the parties. Perkins has been discharged from the Illinois Department of Corrections and Plaintiff has not provided a current address for him. For these reasons, and as more fully stated

on the record during the hearing on November 4, 2022, the Motions for Subpoena (Docs. 88, 89) are **DENIED**.

IT IS SO ORDERED.

DATED: November 4, 2022

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge